

Application No. 10/820,985  
Amendment dated September 6, 2005  
Reply to Office Action of May 3, 2005

### **REMARKS/ARGUMENTS**

Responsive to the Official Action mailed May 3, 2005, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 4, 7, 8, 10, and 11 have been canceled, independent claims 1 and 4, and dependent claims 2 and 5 amended, and dependent claims 9 and 12 revised to depend from amended claim 1. Reconsideration is respectfully requested.

In the Action, the Examiner raised several objections to the pending claims, but the claims have been either revised or canceled in a manner so that it is believed that this objection is overcome.

In the Action, the Examiner rejected several of the pending claims for obviousness-type double patenting, with reference to co-pending application Serial No. 10/431,142. By this response, applicants submit herewith a Terminal Disclaimer referencing this co-pending application. It is believed that this rejection can now be withdrawn.

In the Action, the Examiner rejected several of the pending claims under 35 U.S.C. §112, but in view of the above-noted revisions/cancellations, it is believed that this rejection can now be withdrawn.

In rejecting the pending claims under 35 U.S.C. §102, the Examiner has relied upon U.S. Patent No. 6,753,063, to Pung et al. However, it is respectfully maintained that there is *no teaching or suggestion* in this reference of providing intercalated three-dimensional images, as claimed, wherein the images are dissimilar from one another by virtue of *differing performance and/or aesthetic attributes*. In view of the clear absence of any such teachings in the principal Pung et al. reference, the Examiner's rejection is respectfully traversed.

In the Action, the Examiner refers to discussion in Pung et al. regarding formation of a hydroentangled substrate. In this regard, Pung et al. discusses employing a topographical support member comprising "an essentially planar background surface with at least one recessed region", and goes on to describe the process as follows:

The fibers are entangled and locked together so as to provide a nonwoven substrate comprising a base surface and one or more discreet, raised fibrous regions which are permanently positioned with respect to one another.

Clearly, there is *no teaching* or suggestion in this referenced portion of the principal Pung et al. patent of providing first and second *dissimilar images*, which differ by way of differing *performance and/or aesthetic attributes*. Nor any teaching or suggestion of providing a first image "intercalated immediately within" the second three-dimensional image, as specified in claim 4, and as illustrated in each of the "representative fabrics" of applicants' invention illustrated in Figures 2-17.

In the Action, the Examiner refers to discussion in Pung et al. of varying the *basis weight* of various portions of the contemplated fabric. At column 3, line 59 *et seq.*, Pung et al. states:

As used herein, the term "basis weight" is the weight of a unit area of fibrous web or portion thereof being characterized.

Significantly, this definition of "basis weight" in Pung et al. makes *no reference* to any formation of intercalated first and second images which exhibit dissimilar performance and/or aesthetic attributes.

This absence of any such teachings in Pung et al. is further evidenced from the discussion referenced by the Examiner, beginning at column 3, line 66 *et seq.*:

In a second embodiment of the present invention, the basis weight of the raised fibrous portions is greater than the basis

weight of the base surface, and the density of the raised fibrous portions are substantially the same as the density of the density of the base surface. In a third embodiment of the present invention, the basis weight of some of the raised fibrous regions are substantially the same as the basis weight of the base surface and the basis weight of the other raised fibrous regions are greater than the basis weigh of the base surface. In this embodiment, as in the other embodiments, the density of all of the raised fibrous regions is essentially the same as the density of the base surface.

Thus, the principal reference relied upon by the Examiner in rejecting the present claims is *essentially silent* as to the formation of intercalated images having differing performance and/or aesthetic attributes.

Applicants respectfully refer to M.P.E.P. Section 2143.03, which specifically mandates that "all claim limitations must be taught or suggested" (citation omitted) in evaluating patentability.

In the Action, the Examiner states:

In view of the fact that Pung teaches at least two of each type of raised fibrous region, there are at least both first and second three-dimensional images. In any arrangement of fibrous images comprised of four or more as taught by Pung, at least one will exist between or among others, meeting the Applicant's claim to intercalated images".

Applicants must respectfully disagree with this interpretation of the very generalized, and indefinite teachings of Pung et al. Notably, there are *no illustrations* in Pung et al. of the contemplated regions of varying basis weight. Thus, whether such regions are, in fact, "images", as suggested by the Examiner, it is purely speculative. Moreover, depending upon the placement of such "images" in accordance with the limited teachings of Pung et al., it is not

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at all clear that such images would be *intercalated immediately within one another*, as plainly disclosed in applicants' representative examples of their fabric.

In view of the foregoing, formal allowance of claims 1-3, 5, 6, 9, and 12 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **September 6, 2005**.

